

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 05-cr-57-1-SM
Opinion No. 2022 DNH 031

Gordon Reid

ORDER

Defendant moves for "compassionate release" from incarceration under the First Step Act, 18 U.S.C. § 3582(a)(1)(A) on grounds that he is at risk of contracting serious illness due to the spread of the COVID-19 virus, and due to a spinal stenosis condition.

The burden is on defendant to show that he is entitled to relief, that is, 1) that extraordinary and compelling reasons warrant a reduction in his sentence, and 2) such a reduction would be consistent with the Sentencing Commission Policies (though that is not strictly required under the First Step Act).

Defendant has not met that burden. With respect to COVID-19 risks, the widespread distribution and ready availability of highly effective preventative vaccines, and treatment protocols have substantially ameliorated serious health risks due to COVID-19 infection. The government also notes that defendant has been vaccinated. Spinal stenosis, though painful and sometimes debilitating, is a common condition, particularly among older people, and one that is amendable to treatment by

the Bureau of Prisons in the same general manner as it would be treated outside of prison.

But even if defendant could establish an extraordinary and compelling reason warranting a reduction of his sentence, such a reduction would not be consistent with the sentencing factors described in 18 U.S.C. § 3553(e), nor in the Sentencing Commission policies. Defendant's offense of conviction and his criminal history make it plain that he poses a significant and continuing risk to the safety of the community.

Conclusion

Given the declining risks associated with COVID-19 spread, the ready availability of effective vaccines, that defendant is vaccinated, the availability of new and effective treatment, the general and treatable nature of spinal stenosis and the continuing danger to the safety of the community posed by defendant, and for the reasons given in the government's opposition memorandum, the motion for compassionate release (doc. no. 680) and supplemental motion for compassionate release (doc. no. 686) under the First Step Act are necessarily denied.

SO ORDERED.



Steven J. McAuliffe
United States District Judge

March 14, 2022

cc: Aaron G. Gingrande, AUSA
David J. Haynes, Esq.
U.S. Probation
U.S. Marshal